

02.07.2021
SL Nos.10-11
Court No.16
(gc)

**CPAN 32 of 2021
In
WPCT 12 of 2020**

**Soumyadip Dutta
Vs.
Shri S. Mervin Alexander & Ors.**

(Via Video Conference)

Mr. Uttiya Ray,
...for the Petitioner.
Mr. Alok Kr. Banerjee,
Mr. Arijit Majumder,
...for the Respondents.

Mr. Kaushik Banerjee, Assistant Superintendent to the Office of the Chief Post Master General, Department of Posts, West Bengal is present in Court. Mr. Banerjee has produced before us a communication addressed to Sri Arijit Majumder, learned Government Counsel regarding the decision taken by the competent authority in terms of the order passed by the Coordinate Bench on 7th February, 2020. The relevant portion of the communication is set out hereinbelow:-

“In this regard, it is to mention here that the case of compassionate appointment of the petitioner was placed before the CRC meeting lastly on 24-10-2019 but the case was not recommended due to having less merit points than the last recommended candidate in PA/SA cadre according to availability of vacancies under ‘NR’ quota.

The Hon’ble High Court, Calcutta disposed of the case on 07-02-2020 with the direction to consider the case of the applicant keeping in view the present

financial condition of the family and not on the basis of merit points earned at the time of his first consideration and before consideration for appointment to investigate whether financial condition of the family of the applicant still continue to be so penurious that the applicant still be entitled to for compassionate appointment.

The case was ready for placing the same before the CRC for consideration against the vacancy year 2019. But due to non-compliance of the order of Hon'ble High Court dated 07-02-2020, the petitioner filed contempt petition bearing no. CPAN 32 of 2021 which was due to be heard on 14-05-2021.

*In view of the above, the case was placed before the special CRC meeting held on 13-04-2021. The Committee examined the case as per instructions contained in para-9 of DOPT O.M. No.14014/02/2012-Estt (D) dated 16-01-2013 and **recommended** the case of the applicant for appointment on relaxation of normal rules of recruitment. The head of the Circle accepted the recommendation of the CRC. Thereafter, the case has been forwarded to the Postal Directorate, Dak Bhawan, New Delhi-110001 for approval of the competent authority vide letter dated 18.05.2021 result of which is still awaited."*

It appears that presently the recommendation of the CRC is pending with the competent authority since 18th March, 2021.

The letter dated 29th June, 2021 addressed to Sri Arijit Majumder, learned Government Counsel is kept with the record.

Let this matter be listed before this Bench on 16th July, 2021 at 12.55 p.m. and in the event this order is not complied with in the meantime rule of contempt shall be issued against the alleged contemnors as admittedly there is a considerably delay in reconsideration of the matter in the light of the directions contained in the order disposing of O.A.1621 of 2015. One of the alleged contemnors shall be personally present in the Court with an affidavit of compliance on the adjourned date.

The matter is heard-in-part.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)